

Nos. 2013-1282, -1283, -1284, -1285

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

INTERVAL LICENSING LLC,

Plaintiff-Appellant,

v.

AOL, INC.,

Defendant-Appellee.

and

APPLE, INC.,

Defendant-Appellee.

and

GOOGLE, INC.,

Defendant-Appellee.

and

YAHOO! INC.,

Defendant-Appellee.

Appeal from the United States District Court for the Western District of Washington in consolidated case nos. 13-CV-0263, 13-CV-0264, 13-CV-0265, and 13-CV-0266, Judge Marsha J. Pechman.

**INTERVAL LICENSING'S UNOPPOSED MOTION TO EXTEND TIME
FOR FILING PETITION FOR REHEARING**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Plaintiff-Appellant Interval Licensing LLC (“Interval”) hereby moves to extend the deadline for filing its rehearing petition by 28 days. The petition is currently due on October 10, 2014, and if the requested extension is granted, the petition would be due November 7, 2014. Interval has not previously sought or received an extension of the deadline for filing its petition. Counsel for Appellees do not oppose this motion.

This extension request is necessary because of unavoidable scheduling conflicts. Interval’s principal appellate counsel faces an extraordinary set of overlapping commitments over the relevant period. This includes appellate briefs in several cases: *Torres v. SGE Management* (5th Cir. No. 14-20128) (brief due October 10, 2014); *Motorola v. AU Optronics* (7th Cir. No. 14-8003) (brief due October 21, 2014); and *In re Payment Card Interchange Fee Litigation* (2d Cir. No. 12-4671) (brief due October 29, 2014). Counsel is also filing a petition for certiorari due October 21, 2014 in *San Luis & Delta-Mendota Water Authority v. Salazar* (9th Cir. No. 11-15871), and preparing for oral argument in the Supreme Court in *Omnicare v. Laborers District Council Construction Industry Pension Fund*, No. 13-435 (argument Nov. 3, 2014). Finally, counsel is currently traveling and out of the office regularly providing time-sensitive representation in connection with a substantial, non-public criminal matter that will require multiple

filings over the coming weeks. The additional time to prepare the rehearing petition is thus necessary to ensure that the counsel has adequate opportunity to properly develop a concise petition that fully considers the relevant issues for the Court.

September 24, 2014

Respectfully submitted,

/s/ Thomas C. Goldstein
Thomas C. Goldstein
GOLDSTEIN & RUSSELL P.C.
7475 Wisconsin Avenue
Suite 850
Bethesda, MD 20814
tg@goldsteinrussell.com

CERTIFICATE OF INTEREST

Counsel for Interval Licensing LLC certifies the following:

I. The full name of every party or amicus represented by us is:

Interval Licensing LLC

II. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by us is:

None

III. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party represented by us are:

None

IV. The names of all law firms and the partners or associates who appeared for the party now represented by us in the trial court or are expected to appear in this Court are:

Susman Godfrey LLP: Justin Nelson, Max Tribble, Edgar Sargent, Matthew Berry, Oleg Elkhunovich, Matthew Behncke, Andres Healy

Heim, Payne & Chorush LLP: Michael Heim, Douglas Wilson, Eric Enger, Nathan Davis, Niraj Patel, Robert Bullwinkel

Goldstein & Russell, PC: Thomas Goldstein

Dated: September 24, 2014

/s/ Thomas C. Goldstein

Thomas C. Goldstein

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing motion and the attached declaration on counsel of record on September 24, 2014 by CM/ECF.

/s/ *Thomas C. Goldstein*
Thomas C. Goldstein
GOLDSTEIN & RUSSELL P.C.
7475 Wisconsin Avenue
Suite 850
Bethesda, MD 20814
tg@goldsteinrussell.com